

HOW TO CHANGE YOUR NAME (for an Adult)

Who can ask the court for a name change?

To change your name, you **MUST**:

- Be at least 18 years old; AND
- Have lived in Illinois for at least 6 months.

You **CAN NOT** change your name if you have been convicted of:

- A felony and have not been pardoned or you finished your sentence less than 10 years ago;
- Identity theft or aggravated identity theft and have not been pardoned; OR
- Felony or misdemeanor: criminal sexual abuse when the victim at the time is under 18 years of age, sexual exploitation of a child, indecent solicitation of a child, or indecent solicitation of an adult, or any other offense that requires you to register as a sex offender, and have not been pardoned.

I have just gotten married or divorced, do I need to file a *Request for Name Change*?

You do not have to file a *Request for Name Change* if your name has been changed by a court order (for example, divorce judgment) or by a valid marriage certificate. You would need to file a *Request* if your divorce judgment does not address changing your name.

What forms do I need to fill out to change my name?

- ***Request for Name Change***: gives the court the information needed to decide if you can change your name. A person who knows you must also sign the form.
- ***Publication Notice of Court Date for Request for Name Change***: tells the public you are asking the court to change your name and is published in a newspaper for 3 weeks. (Do not use if you think publication would put you at risk. See "special note" to the right.)
- ***Order for Name Change***: is used by the judge to say your *Request for Name Change* is granted or denied.

Other forms you may need depending on the facts in your case:

- ***Motion to Waive Notice & Publication***: if you believe that publication would put you at risk of physical harm or discrimination, use this **INSTEAD OF *Publication Notice of Court Date for Request for Name Change***. (See "special note" to the right about when to file your *Motion*). If your *Motion* is granted, you do not have to publish notice of your request.
- ***Order on Motion to Waive Notice & Publication***: is used by the judge to say your *Motion to Waive Notice and Publication* is granted or denied.

What costs will I need to pay to change my name?

- **Filing Fee**: to file your forms with the Circuit Clerk.
- **Publication Fee**: to put your notice in the newspaper.
- **Certified Copy Fee**: if your name change is granted and you need certified copies of the court order.

If you cannot afford these fees, you may apply for a fee waiver with the court. This is a separate set of forms you can find at: <http://www.illinoiscourts.gov/Forms/approved/>.

Special note for victims of domestic violence, stalking, sexual assault, or discrimination:

- You might not have to publish your name change request in a newspaper. You can file a *Motion to Waive Notice & Publication* if one of the following is true:
 - You have or have previously had an Order of Protection, Stalking No Contact Order, Civil No Contact Order, or Protective Order issued in someone else's criminal case (your *Motion to Waive Notice & Publication* must be filed at the same time you file your *Request*);
 - You are or have been a protected person under someone else's bail conditions (your *Motion to Waive Notice & Publication* must be filed at the same time you file your *Request*); OR
 - You are at risk of harm or discrimination (your *Motion to Waive Notice & Publication* may be filed at any time).
- If you or a member of your household are at risk of domestic violence, stalking, or sexual assault, you do not have to disclose your address and you can use an alternative address on these forms.

What do I do after I fill out the forms?

Step 1: File the forms with the court where you live.

- Find the courthouse in the county where you live: www.illinoiscourts.gov/circuitcourt/circuitmap/map1.asp
- You must electronically file (e-file) court documents unless you qualify for an exemption from e-filing.
 - You will qualify for an exemption if: (1) you do not have internet or computer access at home and it would be difficult for you to travel to a place where you could use a computer, (2) you have a disability that keeps you from e-filing, or (3) you have trouble reading or speaking in English.
 - Fill out a *Certification for Exemption from E-Filing* found here: www.illinoiscourts.gov/Forms/approved/default.asp.
 - File the original and 1 copy of your form, and the *Certification*, with the clerk's office in person or by mail.
- To e-file, create an account with an e-filing service provider.
 - Visit <http://efile.illinoiscourts.gov/service-providers.htm> to select a service provider. Some service providers are free while others charge a processing fee.

- For instructions on how to e-file for free with Odyssey eFileIL, see the self-help user guides here:
http://www.illinoiscourts.gov/CivilJustice/Resources/Self-Represented_Litigants/self-represented.asp
- If you do not have access to a computer, or if you need help e-filing, take your form to the Circuit Clerk's office where you can use a public computer terminal to e-file your form.
 - You can bring your form on paper or saved on a flash drive.
 - The terminal will have a scanner and computer that you can use to e-file your form.

Step 2: Ask for a court date.

- Ask the Circuit Clerk if you have to schedule a court date or if one will be scheduled automatically.
- If you need to schedule the court date, ask the Circuit Clerk how to do so. The Circuit Clerk may schedule the court date or you may have to speak with other court staff.

You may ask the court to waive the notice and publication requirement if:

- **you believe that publishing notice will put you at risk of physical harm or discrimination; OR**
- **you have or have previously been granted a protective order.**

If this applies, skip Step 3 and Step 4 and follow Step 5.

Step 3: Publish your *Publication Notice of Court Date for Request for Name Change* in a newspaper in the county where you live once a week for 3 weeks in a row.

- Contact a newspaper in your county and set up publication of the notice.
- If there is no newspaper in your county, contact a convenient newspaper published in Illinois.
- Give a copy of the *Publication Notice of Court Date for Request for Name Change* to a newspaper.
- The notice must appear in a newspaper for the first time at least 6 weeks before your court date.
- Newspapers may charge you a publication fee.
- If you have a fee waiver in your court case, the newspaper is not required to waive your fee for publication. You will need to file a *Motion* asking the court to order the county to pay the cost of publication. You can find the *Motion* form at:
<http://www.illinoiscourts.gov/Forms/approved/>.

Step 4: Get a Certificate of Publication from the newspaper and file it with the court.

- After the notice appears in a newspaper for 3 weeks get a Certificate of Publication from the newspaper.
- Ask the newspaper how you will get the Certificate
- File the signed *Order* with the Circuit Clerk.

of Publication. The newspaper will either:

- Send the Certificate directly to the Circuit Clerk;
- Mail the Certificate to you; OR
- Tell you to pick up the Certificate in person.
- File the Certificate of Publication with the Circuit Clerk before your court date.
- If the newspaper sends the Certificate directly to the Circuit Clerk, make sure it arrives before your court date and ask the newspaper to send you a copy.

Skip Step 5 and go to Step 6 if you have published notice.

Step 5: Ask the court to excuse you from publishing notice.

- File the *Motion to Waive Notice & Publication* with the Circuit Clerk.
- Ask for a court date for your *Motion to Waive Notice & Publication*.
- You must convince the judge that:
 - You have or have had an Order of Protection, Stalking No Contact Order, Civil No Contact Order, Protective Order issued in someone else's criminal case;
 - You are or have been a protected person under someone else's bail conditions; OR
 - Publication would put you at risk of physical harm or discrimination.
- You should gather and make copies of documents you want the judge to see. If you want the judge to hear from other people, those people will have to come to court and be witnesses.
- Go to your court date. Bring your evidence and a completed *Order on Motion to Waive Notice & Publication*.

Step 6: Go to your court date to ask the court to change your name.

- Bring these items with you to court:
 - Photo I.D.;
 - Stamped copies of: *Request for Name Change*, *Publication Notice of Court Date for Request for Name Change (if it applies)*, and *Certificate of Publication (if it applies)*; *Order for Name Change*; AND
 - Other papers related to your *Request* (like papers showing that at least 10 years have passed since completion and discharge of your sentence).
- Get to the courthouse at least 30 minutes early.
- Go to the courtroom number listed on your court form.
- If your forms do not have a courtroom number, look for a list of cases at the courthouse or ask the Circuit Clerk.
- Check in with the courtroom staff and wait for your name and case number to be called.
- You may be placed under oath, answer the judge's questions truthfully.
- The judge will either GRANT or DENY your *Request*. The judge will write this on the *Order* and sign it.

- If GRANTED, get certified copies of the *Order* from the Circuit Clerk. You need a certified copy of the *Order* to change your name on records like birth certificate, social security card, and a driver's license.
- There may be a fee for the certified copies.